

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHN WADE, DAVID PERILSTEIN, MING  
CHAO, KATHRYN SCHAUBERGER,  
FRANKLIN HUFFMAN, DANIELLE BULS,  
MICHELLE ATKINS, CLAUDIA DIEZ,  
MATTHEW KULL, AND JOSEPH GILL,

Plaintiffs,

vs.

TOYOTA MOTOR NORTH AMERICA,  
INC.; TOYOTA MOTOR ENGINEERING &  
MANUFACTURING NORTH AMERICA,  
INC.; TOYOTA MOTOR SALES, U.S.A.,  
INC.; AND SUBARU OF NORTH  
AMERICA, INC.,

Defendants.

Case No. 2:25-cv-01071-TLN-CKD

**[PROPOSED] ORDER GRANTING  
TOYOTA MOTOR NORTH  
AMERICA, INC.; TOYOTA MOTOR  
ENGINEERING &  
MANUFACTURING NORTH  
AMERICA, INC.; AND TOYOTA  
MOTOR SALES, U.S.A., INC.'S  
MOTION TO DISMISS FIRST  
AMENDED COMPLAINT AND  
REQUEST FOR JUDICIAL NOTICE**

Date: January 8, 2026  
Time: 2:00 p.m.  
Judge: Troy L. Nunley  
Ctrm: 2

Am. Compl. Filed: September 4, 2025  
Trial Date: None

Pending before this Court is the Motion of Defendants Toyota Motor North America, Inc.; Toyota Motor Engineering & Manufacturing North America, Inc.; and Toyota Motor Sales, U.S.A., Inc.'s (collectively, "Toyota Defendants") to Dismiss claims against them asserted by Plaintiffs John Wade, David Perilstein, Ming Chao, Kathryn Schauburger, and Joseph Gill in Plaintiffs' Amended Complaint, pursuant to Rules 8, 9(b), 12(b)(1), and 12(b)(6). In the alternative, the Toyota Defendants have moved to strike the nationwide class action allegations pursuant to Rule 23(d)(1)(D) and Rule 12(f) (the "Motion"). The Toyota Defendants have submitted a Request for Judicial Notice of Exhibits A-E attached to the Declaration of Lisa R. Weddle in support of the Motion.

Having considered the papers submitted in support of and in opposition to the Motion, the responses and replies thereto, as well as admissible evidence and counsel's arguments in connection therewith, the Court, for good cause shown, hereby orders that:

1. The Toyota Defendants' Request for Judicial Notice is **GRANTED**, and the Court takes judicial notice of Exhibits A, B, C, D, and E attached the Declaration of Lisa R. Weddle.
2. The Motion is **GRANTED** in its entirety.
3. The claims of Plaintiffs John Wade, David Perilstein, Ming Chao, Kathryn Schauburger, and Joseph Gill against the Toyota Defendants are hereby **DISMISSED WITH PREJUDICE**, as Plaintiffs John Wade, David Perilstein, Ming Chao, Kathryn Schauburger, and Joseph Gill have failed to plead a plausible claim against the Toyota Defendants.
4. The Toyota Defendants are **DISMISSED WITH PREJUDICE** from the action.
5. Plaintiffs' nationwide class allegations and claims contained in paragraphs 159-167, 171-178, and 187-191 are hereby **STRICKEN**.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2025

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HON. TROY L. NUNLEY  
CHIEF DISTRICT COURT JUDGE